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December 03, 2020

Honorable Judge Ronnie Abrams
United States District Court – Southern District of NY
Thurgood Marshall -United States Courthouse
40 Foley Square, New York, NY 10007

RE: Manuel Iyahen v. City of New York, et al
1983 Plan Removal

Dear Judge Abrams,

The purpose of this Letter Motion is to request the Court remove this matter from Local Civil Rule 83.10 (hereinafter 1983 Plan), cancel the mediation, and have the matter adjourned for the Initial Conference currently schedule for January 15, 2021. Defendants do not consent to this request.

Plaintiff request the Court cancel the mediation because the City has deemed this case a “No Pay” case and has indicated that they are prepared to litigate this matter to trial. Plaintiff indicated in its initial Demand that the request, in the low hundred thousands, was based only on the thirteen days in custody pre-arrangement and not for the entirety of confinement, almost four months. Therefore, the Demand was not representative of what Plaintiff thought was the true value of the case but was offered in the interest of a good faith attempt to resolve the matter.

By taking the position that this a “No-Pay” case, the City has rendered the mediation a useless endeavor. The parties are irreparably far apart, and even if the City would ultimately decide to place a nominal sum, that would be swiftly rejected. Therefore, it would require to needlessly take off work for no discernible purpose. It should be noted that both parties have complied with all other aspects of the plan.

Consequently, Plaintiff requests that the Court cancel the mediation, remove this matter from the 1983 Plan, and have the parties appear at the initial conference scheduled for January 15, 2021.

Sincerely,

/s/

Masai Lord
Attorney For Manuel Iyahen

Application granted. The mediation is hereby adjourned. The initial pre-trial conference is hereby rescheduled to December 17, 2020 at 10:00 a.m. By no later than December 10, 2020, the parties submit a joint letter providing the information specified in the Court's order of September 24, 2020.

SO ORDERED.


Hon. Ronnie Abrams
December 4, 2020